

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/005103

International filing date (day/month/year)
03.12.2004

Priority date (day/month/year)
04.12.2003

International Patent Classification (IPC) or both national classification and IPC
B65D45/20, B65D43/02

Applicant
IMPERIAL CHEMICAL INDUSTRIES PLC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

10/581825
International application No.
PCT/GB2004/005103

APG Rec'd PCT/PTO 22 JUN 2005

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 35, 36

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 35, 36
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- ☒ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/005103

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-5, 7, 8, 10-14, (17)18, 20, 21, 23, 25, 26, 28, 30, 32-34
	No: Claims	6, 9, 15, 16, 19, 22, 24, 27, 29, 31
Inventive step (IS)	Yes: Claims	1-5, 7, 8, 10-14, (17)18, 20, 21, 25, 26, 28, 30, 34
	No: Claims	6, 9, 15, 16, 19, 22-24, 27, 29, 31-33
Industrial applicability (IA)	Yes: Claims	1-34
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item III.

Claims 35 and 36 do not comply with Rule 6.2(a) PCT

Re Item V.

- 1 Reference is made to the following documents:

D1 : US 5 125 697 A (KAHL ET AL) 30 June 1992 (1992-06-30)

D2 : US 1 482 931 A (KEEHN CLARENCE C) 5 February 1924 (1924-02-05)

2 INDEPENDENT CLAIM 6

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 6 is not new in the sense of Article 33(2) PCT.

Document D1 discloses a container assembly with container, cover and hingeable locking member, hinging upwardly to the locking position, as claimed in claim 6.

3 DEPENDENT CLAIMS 9, 15, 16, 19, 22-24, 27, 29, 31-33

Dependent claims 9, 15, 16, 19, 22-24, 27, 29, 31-33 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

4 DEPENDENT CLAIMS 7, 8, 10-14, 17, 18, 20, 21, 25, 26, 28, 30

The combination of the features of dependent claims 7, 8, 10-14, 17, 18, 20, 21, 25, 26, 28, 30 are neither known from, nor rendered obvious by, the available prior art.

5 INDEPENDENT CLAIM 1

5.1 Document D2, which is considered to represent the most relevant state of the art, discloses a container assembly with container, cover and hingeable locking member from which the subject-matter of independent claim 1 differs in that the locking member passes over the rim of the container/cover when hinging between locked and unlocked such that it locks onto the container rim.

5.1.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as preventing accidental release of the locking member.

5.1.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

It is not suggested in the prior art to have locking means either on the cover or on the container that lock onto the container rim.

5.1.3 Claims 2-5 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

6 INDEPENDENT CLAIM 34

6.1 Document D2, which is considered to represent the most relevant state of the art, discloses a closure arrangement for a container, from which the subject-matter of independent claim 34 differs in that the lip of the locking member passes over the rim of the container and engages onto the cover.

6.1.1 The subject-matter of claim 34 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as preventing accidental release of the locking member.

- 6.1.2 The solution to this problem proposed in claim 34 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Even though D1 shows a locking member lip that engages onto the cover, the construction of this locking mechanism is so different from that of D2, the skilled man would not be inclined to combine both documents to solve the problem.